

PROTOCOL
BETWEEN
THE GOVERNMENT OF THE REPUBLIC OF LITHUANIA
AND
THE CABINET OF MINISTERS OF UKRAINE
IMPLEMENTING THE AGREEMENT
BETWEEN
THE EUROPEAN COMMUNITY AND UKRAINE
ON THE READMISSION OF PERSONS

The Government of the Republic of Lithuania and the Cabinet of Ministers of Ukraine, hereinafter referred to as “the Contracting Parties”,

Wishing to ensure implementation of the Agreement between the European Community and Ukraine on the Readmission of Persons done at Luxembourg on 18 June 2007 (hereinafter referred to as the “Agreement”),

Pursuant to provisions of Article 16 of the Agreement,
HAVE AGREED AS FOLLOWS:

Article 1
Competent Authorities

1. Pursuant to the provisions of Article 16(1)(a) of the Agreement, the following competent authorities of the Contracting Parties shall bear responsibility for implementation of the Agreement:

in the Republic of Lithuania:

a) receipt, submission and handling of readmission applications:

Migration Department under the Ministry of Interior of the Republic of Lithuania

L.Sapiegos str. 1, LT-10312 Vilnius

tel.: +370 5271 71 12/271 72 84

fax: +370 5271 82 10

e-mail: mdinfo@vrm.lt;

b) receipt, submission and handling of transit applications:

State Border Guard Service under the Ministry of Interior of the Republic of Lithuania

Savanorių av. 2, LT-103116 Vilnius

tel.: +370 5 271 93 05

fax: +370 5271 93 06

e-mail: dvks@vsat.vrm.lt;

in Ukraine:

a) receipt, submission and handling of readmission applications:

State Migration Service of Ukraine

Volodymyrska str. 9, Kyiv 01001

tel.: +38044 278-66-74

fax: +38044 226-23-39

e-mail: readmission@dmsu.gov.ua, info@dmsu.gov.ua;

b) receipt, submission and handling of readmission under accelerated procedure and air transit applications:

Administration of Border Guard Service of Ukraine;

Volodymyrska str. 26, Kyiv 01601

tel.: +38044 235 11 00

fax: +38044 239 84 80

e-mail: adpsu@dpsu.gov.ua.

2. The competent authorities of the Contracting Parties referred to in paragraph 1 of this Article shall immediately inform each other through diplomatic channels about any changes in the list of competent authorities or their contact information.

Article 2

Border Crossing Points

1. The readmission and admission in transit of nationals of the States of the Contracting Parties and of third countries nationals, as well as stateless persons (hereinafter referred to as “persons to be readmitted”) shall take place at the following border crossing points on the territory of the State of either Contracting Party:

in the Republic of Lithuania:

State Enterprise Lithuanian Airports Vilnius Branch;

State Enterprise Lithuanian Airports Kaunas Branch;

State Enterprise Lithuanian Airports Palanga Branch.

in Ukraine:

International airport “Boryspil”;

International airport “Kyiv” (Zhuliany).

2. The competent authorities of the Contracting Parties shall immediately inform each other through diplomatic channels of any changes in the list of the border crossing points provided in the paragraph 1 of this Article.

Article 3

Documents to be Submitted with an Application for Readmission

1. A standard readmission application form, attached as Annex 5 to the Agreement (hereinafter referred to as “a Readmission Application”), shall be completed in accordance with Article 5 thereof and shall be submitted to the competent authority of the Requested Contracting Party by post or via any means of communication, including electronic, together with supplementary documents listed in the paragraph 2 of this Article. Fax and e-mail delivery reports shall constitute a proof of delivery of a Readmission Application. The competent authority of the Requested Contracting Party shall immediately inform the competent authority of the Requesting Contracting Party by e-mail about receipt of a Readmission Application submitted by post.

2. Apart from a Readmission Application, if possible, in every case the competent authority of the Requesting Contracting Party shall submit to the competent authority of the Requested Contracting Party the copies of documents listed in Annexes 1 - 4 to the Agreement, a completed standard form “European Fingerprints’ Standard” with fingerprints and a photograph of the person with regard to which a Readmission Application is submitted (not a scanned or otherwise made copy of the photograph). If the copies of evidence provided for in Annexes 2-4 to the Agreement shall be submitted, those must be clear and accurate in order to enable their verification which would lead to determination, whether the readmission obligation of the Requested Contracting Party exists.

Article 4

Interviews

1. If the competent authority of the Requesting Contracting Party cannot submit any documents listed in Annexes 1 to 2 to the Agreement or if the documents submitted are insufficient and if the necessity of interviewing a person to be readmitted is indicated in a Readmission Application, the competent authority of the Requested Contracting Party which examines a Readmission Application shall organise an interview of a person to be readmitted, according to the procedure provided for in this Article.

2. A person to be readmitted shall be interviewed by:

on behalf of the Republic of Lithuania: officials of the diplomatic mission or consular post of the Republic of Lithuania in Ukraine;

on behalf of Ukraine: officials of the diplomatic mission or consular post of Ukraine in the Republic of Lithuania.

3. An interview of a person to be readmitted must be organised no later than within 4 (four) working days as of the date of receipt of a Readmission Application which includes an interview request. The Requesting Contracting Party shall ensure bringing of a person to be interviewed to the diplomatic mission or consular post of the State of the Requested Contracting Party. Upon agreement between the Contracting Parties, an

interview can be held outside a building of the diplomatic mission or consular post and in such case, the costs related to holding of an interview (transportation) shall be covered by the Requesting Contracting Party. The reply to a Readmission Application, which includes the results of an interview of a person to be readmitted, shall be submitted to the competent authority of the Requesting Contracting Party as soon as possible but no later than within the term provided for in the Article 8(2) of the Agreement.

4. The time-limits for reply to a Readmission Application provided for in the paragraph 3 of this Article shall be calculated as of the date of receipt of a Readmission Application by the competent authority of the Requested Contracting Party.

5. If a person to be readmitted fails to arrive to the interview at a set time, and the Requested Contracting Party does not receive any information from the Requesting Contracting Party regarding a request to change the interview time of a person concerned, and there is no other evidence necessary for the readmission, the Requested Contracting Party shall submit a written negative reply to the Readmission Application. In such cases, the Requesting Contracting Party, wishing to readmit the same person, must re-submit a respective application to the Requested Contracting Party.

Article 5

Documents to be Submitted at the Time of Transfer of a Person to be Readmitted

1. Following the approval by the competent authority of the Requested Contracting Party of a Readmission Application, the competent authority of the Requesting Contracting Party shall submit a written notice to the competent authority of the Requested Contracting Party, which contains the details of a person to be readmitted and the information concerning transfer of such a person attaching a copy of the consent of the Requested Contracting Party to take over a person concerned.

2. The notice indicated in paragraph 1 of this Article shall be submitted by completing a Transfer Form attached as Annex to this Protocol (hereinafter referred to as a "Transfer Form"). A Transfer Form shall be submitted by e-mail or fax to the competent

authority of the Requested Contracting Party not later than 3 (three) working days before the date of transfer of a person to be readmitted.

3. If the date of transfer of a person to be readmitted (hereinafter referred to as “Transfer Date”) is postponed by the Requesting Contracting Party, because of legal or practical obstacles, the competent authority of the Requesting Contracting Party shall immediately inform the competent authority of the Requested Contracting Party to which a Readmission Application is submitted, about the postponement.

4. In the case of postponement as referred to in paragraph 3 of this Article, the competent authority of the Requesting Contracting Party shall update a Transfer Form in line with the provisions of paragraph 2 of this Article.

5. If the Transfer Date is postponed because of legal or practical obstacles of the Requested Contracting Party, the competent authority of the Requested Contracting Party shall immediately inform the competent authority of the Requesting Contracting Party about the postponement and propose a new Transfer Date.

Article 6

Transit Application

1. In addition to the provisions of Article 11(1) of the Agreement, if needed, a Transit Application must contain the following:

1) information on special needs related to medical care or care for the elderly of a person in transit because of illness or age of such a person;

2) information on a possible need for security or protection measures with regard to a person in transit and/or escorts accompanying him/her.

2. The information mentioned in paragraph 1 of this Article shall be filled in the Section C (“Observations”) of a Joint Transit Application Form provided in Annex 6 to the Agreement (hereinafter referred to as a “Transit Application”).

3. Pursuant to Articles 10 and 11 of the Agreement:

1) a Transit Application must be submitted to the competent authority of the Requested Contracting Party via e-mail or fax no later than 15 (fifteen) days prior to the planned transit;

2) the competent authority of the Requested Contracting Party shall reply to a Transit Application via e-mail or fax within the time-limits prescribed in Article 11(2) of the Agreement. The competent authority of the Requested Contracting Party shall also indicate if it agrees with the transit, the date, the designated border crossing point on the territory of the State of the Requested Contracting Party, transportation mode and the accompanying escorts;

3) if the Requesting Contracting Party deems assistance of the Requested Contracting Party as a necessary step, this must be indicated in a Transit Application. The competent authority of the Requested Contracting Party shall then confirm whether or not it can provide assistance requested by the Requesting Contracting Party;

4) in case of escorted travel by air, the competent authority of the Requested Contracting Party shall secure and provide assistance for the boarding of person who is a subject of transit in the territory of the State of the Requested Contracting Party, to the greatest extent possible. In such a case the escorts of the Requesting Contracting Party should also be present.

4. The Requesting Contracting Party shall accept back to the territory of its State, without any delay, a person who is subject of transit as referred to in Article 10(5) of the Agreement if:

1) approval of transit has been denied or withdrawn as referred to in Article 10(4) and (5) of the Agreement; or

2) a person to be transited has illegally entered the territory of the State of the Requested Contracting Party; or

3) approval for transit or readmission has been denied by another transit country or the final destination country; or

4) transit cannot be approved based on other circumstances (not indicated in this Article).

Article 7

Escorted Readmission and Transit

Pursuant to Article 16(1)(e) of the Agreement the Contracting Parties shall agree on the following provisions related to the escorted readmission or transit of a person concerned through the territory of their respective State:

1) the escorts shall be responsible for escorting persons to be readmitted or transited and for their transfer to the representatives of the competent authorities of the destination country;

2) the escorts shall perform their duties unarmed and in plain clothes. Escorts must possess documents proving the approval of readmission or transit by the Requested Contracting Party. They shall also carry their official identification documents and travel documents;

3) the Requested Contracting Party, where necessary, shall provide escorts and assistance through the engagement of its personnel which is authorised to perform such tasks;

4) escort shall be organised in accordance with legislation effective in the State of the Requested Contracting Party. During escorted readmission or transit operations, escort's authorisation shall be limited to self-defence as regards the use of force. In case of inability of the Requested Contracting Party to provide adequate assistance to the escorts of the Requesting Contracting Party, or in case there is a need to support the assisting personnel in obviously dangerous situations, the former shall be authorised to act in a reasonable and proportionate manner to prevent a person to be readmitted or transited from escaping, hurting himself/herself or any other persons, or from damaging the property;

5) the escorts shall be responsible for carrying travel documents and any other documents related to a person to be readmitted or transited, as well as for the delivery of these documents to a representative of the competent authority of the destination country;

6) the escorts are not allowed to leave the transfer location before completion of the delivery of a person to be readmitted or transited;

7) the competent authority of the Requesting Contracting Party shall provide valid visas for its escorts for all transit countries or the destination country, if necessary.

Article 8

Coverage of Costs

Costs related to readmission or transit incurred by the Requested Contracting Party which shall be covered by the Requesting Contracting Party in accordance with Article 12 of the Agreement, shall be reimbursed by the Requesting Contracting Party in euros within 30 (thirty) days from the date of receipt of the invoice.

Article 9

Experts' Consultations

The Contracting Parties shall agree to establish a bilateral experts' commission. The competent authorities of the Contracting Parties indicated in Article 1 of this Protocol shall appoint members of the commission and shall inform each other thereof. Consultations about the implementation of this Protocol shall be organised as the need arises.

Article 10

Language of Communication

The language of communication and cooperation between the Contracting Parties as they conduct the procedures under the Agreement and this Protocol shall be English.

Article 11
Relationship with other Agreements

This Protocol shall not affect the rights, obligations and responsibilities of the Contracting Parties arising from other international agreements.

Article 12
Dispute Settlement

Disputes and disagreements which may arise with regard to interpretation or application of provisions of this Protocol shall be settled through negotiations and/or consultations.

Article 13
Entry into force, Duration and Termination of the Protocol

1. The Contracting Parties shall inform each other through diplomatic channels of the completion of internal procedures necessary for entry into force of this Protocol. The Contracting Party, following the receipt of the last notification, shall notify, through diplomatic channels, the Joint Readmission Committee referred to in Article 15 of the Agreement about such receipt. This Protocol shall enter into force on the first day of the month following the date of receipt of such notification by the Joint Readmission Committee.

2. The Protocol shall cease to be in force from the date of termination of the Agreement.

3. The Contracting Parties may amend provisions of this Protocol by mutual agreement. Amendments shall be done as separate protocols, which constitute an integral part of this Protocol and enter into force in accordance with the procedure prescribed in paragraph 1 of this Article.

4. Each Contracting Party may terminate the Protocol by sending a written notice of termination through diplomatic channels to the other Contracting Party. This termination shall become effective on the first day of the month following the expiration of a period of 3 (three) months after the date of receipt of notice of termination.

5. As of the date of entry into force of this Protocol, the Agreement between the Government of the Republic of Lithuania and the Government of Ukraine on Transfer and Admission of Persons, done at Vilnius on 23 September 1996, shall cease to have effect.

Done at Kyiv, on December 7, 2018, in duplicate, each in the Lithuanian, Ukrainian, and English languages, all texts being authentic. In case of a divergence in the interpretation of the Protocol, the English text shall prevail.

**For the Government of
the Republic of Lithuania**

**For the Cabinet of Ministers of
Ukraine**

Annex
to the Protocol between
the Government of the Republic of Lithuania and
the Cabinet of Ministers of Ukraine
implementing the Agreement between Ukraine
and the European Community
on Readmission of Persons

Name of the competent authority of the Requesting Contracting Party

(Place and date)

Reference No

To

(Name of the competent authority of the Requested Contracting Party)

TRANSFER FORM

Pursuant to Articles 4 and 5 of the Protocol between the Government of the Republic of Lithuania and the Cabinet of Ministers of Ukraine implementing the Agreement between Ukraine and the European Community on Readmission of Persons

INFORMATION ABOUT THE PERSON AND THE PROCEDURE OF TRANSPORT

1. Full name (please underline the surname)

2. Date of birth

3. Travel document (please specify the type)

No. _____ valid from _____ until _____ (year)

4. Means of transportation (by air)

5. Date

6. Time

7. Place of transfer (border crossing point)

8. Health condition of the person to be readmitted

9. Escorted transportation Yes No

If yes, please specify the details about the escorts

10. Security measures to be taken at the place of transfer

(Signature of the representative of the competent authority of the Requesting Contracting Party)

(Stamp)